



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,399	02/11/2005	Andreas Krause	TX/4-32608A	6111
1095 7550 03/17/2009				
NOVARTIS				
CORPORATE INTELLECTUAL PROPERTY				
ONE HEALTH PLAZA 104/3				
EAST HANOVER, NJ 07936-1080				
EXAMINER				
DUNSTON, JENNIFER ANN				
ART UNIT		PAPER NUMBER		
1636				
MAIL DATE		DELIVERY MODE		
03/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION SHEET

The amendment filed 3/6/2009 under 37 CFR 1.116 in reply to the final rejection has NOT been entered. The final Office action, mailed 10/29/2008, is maintained.

The proposed amendments to independent claims 1 and 3 alter the scope of the claims such that further search and consideration is required. For example, the claims have been amended to recite "assaying the levels of expression of the nucleic acid sequences set forth in SEQ ID NOs:29, 30, 31, 32, 33, 34, 35, 36, 37, and 38, mRNA transcribed therefrom or protein encoded thereby in a renal allograft tissue biopsy sample." Further search and consideration is required to determine if the recited sequences are genomic DNA sequences such that mRNA is transcribed therefrom in renal tissue. Moreover, the proposed amendment to claim 3 broadens the scope of the claim from obtaining a test sample after administration of a CR inhibiting agent to obtaining a sample after exposure to any transplant therapy. New claims 15-18 have not been previously considered and, thus, would require further search and consideration.

With regard to Applicant's arguments directed to the rejections under 35 U.S.C. 112, first paragraph, all arguments are directed to the newly amended claims. As discussed above, the amendments have not been entered. Therefore, the arguments are moot and will not be addressed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Dunston, Ph.D.
Examiner
Art Unit 1636

/JD/

/Celine X Qian /
Primary Examiner, Art Unit 1636